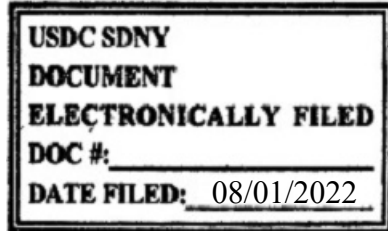


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July 29, 2022

**MEMO ENDORSED**

**VIA ECF**

The Honorable Barbara Moses  
U.S.D.C. for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 740  
New York, NY 10007

**Re:** *DeSimone, et al. v. TIAA Bank, FSB, f/k/a Everbank Financial Corp.*  
**Docket No. 20-cv-06492 GHW/BCM**

Dear Judge Moses:

On behalf of all Named Plaintiffs and Opt-In Plaintiffs and Defendant TIAA Bank (the "Parties"), we advise the Court that the Parties have reached a settlement in principle in this conditionally-certified FLSA and putative class action case. The settlement will resolve all pending and putative federal and state law claims. The Parties are working on a comprehensive settlement agreement.

As the Court will recall, in a prior similar case brought by other former employees of TIAA Bank (*Lesser, et al. v. TIAA Bank, N.A.*, SDNY Case No. 19-cv-1707), this Court reviewed the settlement, and provided preliminary and final approval.

The Parties shortly will be submitting a Notice, Consent and Reference to a Magistrate Judge which will enable this Court to oversee the settlement proceedings.

Accordingly, the Parties request the Court enter an order staying all further proceedings and deadlines in this case while the Parties prepare settlement documents, and further, that the Court set a deadline of August 31, 2022, for Class Counsel to file a Motion for Preliminary Approval of the Settlement.

The Parties thank the Court for its time and continued consideration in this case.

Respectfully submitted,

**ROBERT D. SOLOFF, P.A.**

/s/ Robert D. Soloff

Robert D. Soloff, Esquire

Justin L. Swidler, Esq.

Marc A. Silverman, Esq.

Carly Meredith, Esq.

CC: All current counsel of record (via ECF)

Application GRANTED. All pretrial deadlines in this action are hereby STAYED. If and when the parties file their contemplated consent to the undersigned Magistrate Judge, I will issue an order specifying the materials that must be submitted in support of their planned motion for settlement approval under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

Barbara Moses

United States Magistrate Judge

August 1, 2022